

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:08cr135WJG-RHW-1

PAUL RICHARD ARCENEUX

ORDER

THIS CAUSE comes before the Court on the motions filed by the Defendant, Paul Richard Arceneaux, for contempt [67] against his counsel Donald W. Medley, and Lowell H. Becraft, Jr.<sup>1</sup>; for protective order [69] against Medley and Becraft, stopping contact with Defendant's family and inmates; and for sanctions [74] against Medley and Becraft. Also pending before the Court are the motions filed by a third party, William D. Morris, for protective orders [68, 73] against Medley and Becraft.

Arceneaux has an appeal of his prosecution pending at the Fifth Circuit Court of Appeals [Fifth Circuit]. (*United States v. Arceneaux*, Case No. 09-60656, 5th Cir. 2009). The appeal was dismissed on March 24, 2010, for failure of the attorney of record for Arceneaux, Medley, to become admitted to the Fifth Circuit Bar and file a form for appearance of counsel in the case. (*Id.*) New counsel was appointed for Arceneaux at the appellate level on September 22, 2010, and the case was reinstated to the docket. (*Id.*)

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<sup>1</sup>On January 22, 2009, the Court issued its order granting Donald W. Medley's motion for admission *pro hac vice* of co-counsel Lowell H. Becraft Jr. (Ct. R., Doc.22.)

Arceneaux's motion for contempt, filed May 10, 2010, contends that both Medley and Becraft acted in contempt of the order dated July 16, 2009. (Ct. R., Doc. 67, p. 3.) The motion for sanctions, dated November 4, 2010, contends that Becraft and Medley violated an order entered in this case on July 16, 2009, by preparing an appeal on behalf of Arceneaux. (Ct. R., Doc. 74, p. 1.) The order specifically prohibited Becraft from practicing in "this Court" which refers to the Southern District of Mississippi, Southern Division, Judge Walter J. Gex III, presiding. (Ct. R., Doc. 42, 43 .) The notice of appeal filed on August 28, 2009, is signed by Medley. (*United States v. Arceneaux*, Case No. 09-60656, 5th Cir. 2009). Although a brief was filed on Arceneaux's behalf on December 7, 2009, the Fifth Circuit entered a Sufficient Brief deadline in the case pending the submission of an appearance form by Medley, the attorney signing the brief. (*Id.*) The Fifth Circuit dismissed the appeal and Medley was dismissed as attorney of record for Arceneaux by the Fifth Circuit on April 27, 2010. None of these actions constitute practicing law in this Court on the part of Becraft. Medley was not made part of the order entered by this Court, and any actions taken by either of these individuals before another court are outside the jurisdiction of this Court. Accordingly, the Court finds that the motions for contempt and for sanctions for an alleged violation of this Court's order should be denied as moot.

Also pending before the Court are two motions for protective orders to be entered against Becraft and Medley filed by William D. Morris. (Ct. R., Docs. 68, 73.) Morris was not a party to this suit, and has filed a civil lawsuit against these individuals in this court, advancing the same or similar allegations as contained in the pleadings before this Court. (*See Morris v. Medley*, 1:10cv389LG-RHW.) The Court finds that the relief sought is outside the jurisdiction of

Arceneaux's criminal proceedings as evidenced by Morris' filing of the civil action.

Accordingly, the Court finds that the motions should be denied as moot.

Arceneaux filed a motion for a protective order entered on behalf of Morris, to stop Becraft and Medley from contacting inmates or prison staff with the alleged intent of causing harm to Morris. (Ct. R., Doc. 69, p. 2.) He also requests that the order include language with the intent of "stopping Becraft and Medley from contacting anyone related to Arceneaux, by blood or marriage, and to stop making threats to Arceneaux via Mrs. Arceneaux." (*Id.*) "Federal district courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute." *Kokkonen v. Guardian Life Ins. Co. of Amer.*, 511 U.S. 375, 377 (1994). The issue is outside the jurisdiction of this criminal matter and the Court finds that the motion should be denied. It is, therefore,

ORDERED that the motions filed by Defendant Arceneaux for contempt [67] and sanctions [74] be, and are hereby, denied as moot. It is further,

ORDERED that Arceneaux's motion for protective order [69] be and is hereby, denied. It is further,

ORDERED that Morris' motions for protective order [68, 73] be, and are hereby, denied as moot.

SO ORDERED, this the 15<sup>th</sup> day of April, 2011.

*Walter J. Fox III*  
UNITED STATES SENIOR DISTRICT JUDGE